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KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION ACT OF 2011

SEPTEMBER 21, 2011.—Ordered to be printed

Mr. KERRY, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany S. 1280]

The Committee on Foreign Relations, having had under consideration the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

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I. PURPOSE

The purpose of S. 1280 is to enhance Peace Corps' sexual assault policy, protect the confidentiality of Peace Corps volunteers, and codify recent steps the Peace Corps has taken in support of the safety and security of its volunteers.

II. COMMITTEE ACTION

S. 1280 was introduced on June 27, 2011, by Senators Isakson, Boxer, Durbin, and Chambliss. On July 26, 2011, the committee considered S. 1280 with an amendment in the nature of a substitute. On July 26, 2011, the committee ordered S. 1280, as amended, reported favorably by voice vote.

III. DISCUSSION

S. 1280 aims to enhance and improve both the preventative measures and the response of the Peace Corps in cases of crime and sexual assault. The bill also recognizes the significant reforms that the Peace Corps has made in the past year and, where appropriate, codifies those efforts. A section-by-section discussion of the legislation follows.

SECTION 2

Section 2 of S. 1280 amends the Peace Corps Act to include:

- The development of comprehensive sexual assault and risk-reduction and response training as part of the overall training provided to volunteers;
- The development and implementation of a comprehensive sexual assault policy;
- The establishment of the Office of Victims Advocacy;
- The establishment of a Sexual Assault Advisory Council;
- The development of volunteer feedback and Peace Corps review mechanisms;
- A requirement for nondisclosure of confidential or private information, and
- Annual and periodic reporting requirements.

Training

Section 2 requires the Peace Corps to develop comprehensive sexual assault risk-reduction and response training, based upon best practices in the sexual assault field. The legislation requires that in developing the training, the President consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field; that training be tailored to the country of service; and that each applicant for enrollment as a Peace Corps volunteer be provided with information regarding previous crimes against volunteers and risks that may be present in the country of service. To further enhance the ability of volunteers to report incidents or to receive prompt assistance in the case of assault, the legislation requires that each volunteer be provided with (1) the contact information of the Inspector General of the Peace Corps, the Sexual Assault Victim Support Liaison (SAVSL), and the Office of Victims Advocacy, and (2) written guidelines detailing the steps to take and whom to contact in case of a sexual assault or other crime.

Sexual Assault Policy

Section 2 mandates that the Peace Corps develop a comprehensive sexual assault policy, including a system for restricted and unrestricted reporting of sexual assault. The legislation requires that the Peace Corps protect the confidentiality of a volunteer who is a victim of sexual assault until such time that he or she elects to pursue “unrestricted reporting” of the assault, and the committee expects that this policy will mirror the confidentiality policy of the Department of Defense to the extent possible. The bill also requires that the Peace Corps designate a “Sexual Assault Victim Support Liaison” (“SAVSL”) in every country of service. The committee expects that SAVSLs will not serve in lieu of the Peace Corps’ Vic-

tims Advocate, but instead will serve as the first point of contact for volunteers in the field. The committee recognizes that SAVSLs may be dual-hatted with other responsibilities, but expects that SAVSLs will receive comprehensive training on procedures and duties in case of sexual assault. The legislation requires that the Sexual Assault Policy provide the following with respect to a volunteer who has been a victim of sexual assault: a safety and treatment plan; a sexual assault forensic evidence examination in accordance with applicable law; emergency healthcare services; evacuation for medical treatment; and legal representation and an explanation of available law enforcement and prosecutorial options.

The legislation requires that if a volunteer who feels at risk of imminent bodily harm requests removal from a site, the volunteer shall be removed as expeditiously as practical, and prohibits the assignment of another volunteer to the site until such time as the site has been evaluated for safety and determined to be safe. Upon this time, the site must be evaluated and it is not to receive additional volunteers until that assessment is completed and the site is determined to be safe. If it is determined to be unsafe, all volunteers are to be removed from the site. The legislation also requires the Peace Corps to establish a global tracking and recording system to track and record incidents of crimes against Peace Corps volunteers, and explicitly defines the terms sexual assault and stalking to ensure that the policies and procedures established by this section apply in these instances.

Office of Victims Advocacy

Section 2 of the legislation requires the establishment of an Office of Victims Advocacy (OVA) in Peace Corps headquarters, headed by a full-time, appropriately experienced victims advocate that will report to the Director of the Peace Corps. The committee expects that OVA will be sufficiently staffed with subordinate, appropriately experienced victims advocates to ensure responsive, timely and comprehensive services to any Peace Corps volunteer in need of assistance. The legislation prohibits the head of the OVA from having any other duties in the Peace Corps, and provides that current Peace Corps Medical Officers, Safety and Security Officers and program staff may not serve as victims advocates.

Sexual Assault Advisory Council

Section 2 of the legislation mandates the establishment of a Sexual Assault Advisory Council to review the sexual assault risk-reduction and response training, sexual assault policy, and other matters related to sexual assault that the Council views as appropriate. The legislation requires that the Council be composed of no less than 8 individuals who are returned Peace Corps volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault), governmental and nongovernmental experts, and professionals in the sexual assault field. The committee expects that maintaining this broad diversity of experience among Council members will be critical to its effectiveness. The legislation requires that the number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

Although the legislation only requires that the Council meet at least once per year, the committee expects that the Council's review of sexual assault training and policy will be ongoing, and that the Council's meetings and discussions will provide additional support to the Peace Corps as it refines its sexual assault training and policy. The legislation requires the Council to report on its findings not later than 1 year after the date of enactment, each year for the 4 years following the first report, and every 3 years thereafter. Members of the Advisory Council shall not be considered employees of the U.S. Government, they shall not receive compensation other than the reimbursement of travel expenses, and the Federal Advisory Committee Act shall not apply to the Council.

Volunteer Feedback and Peace Corps Review Mechanisms

Section 2 addresses the need for ongoing monitoring and evaluation. It requires the President to establish performance plans for Peace Corps representatives and the performance of each Peace Corps representative is to be reviewed at least once a year to ensure he or she is meeting performance elements and standards. Furthermore, an annual confidential survey of Peace Corps volunteers is required to attain their inputs on the effectiveness of Peace Corps programs and staff as well as the safety of volunteers. The results of these surveys are to be provided in aggregate form (without identifying information) to the Senate Committee on Foreign Relations, the Senate Committee on Appropriations, the House Committee on Foreign Affairs, and the House Committee on Appropriations.

The legislation also requires the Peace Corps Inspector General (IG) to submit a biennial report to the appropriate congressional committees concerning reports received from volunteers that discuss incidents of misconduct, mismanagement or policy violations by Peace Corps staff, or that relate to breaches of confidentiality of volunteers. The committee considers the safety of volunteers to be paramount, and this report should detail ways in which volunteers are protected if they provide information of this nature. The IG is also required to submit a report (no later than 2 years after the enactment of this legislation and 3 years thereafter) that evaluates the effectiveness and implementation of the comprehensive sexual assault risk-reduction and response training and the sexual assault policy required under this legislation. The legislation requires that this report be based upon a case review of a statistically significant number of cases. Finally, the legislation requires the IG to submit a report within 2 years of the date of enactment of this legislation that describes how the Peace Corps hires and terminates representatives and staff, including an assessment of the implementation and review of performance plans for Peace Corps representatives.

Nondisclosure of Confidential or Private Information

The committee sees it as absolutely critical that the Peace Corps take adequate measures to ensure the confidentiality and safety of volunteers who report incidents of misconduct or mismanagement, or violations of any policy. The legislation therefore requires the development and implementation of a process that will ensure volunteers are able to report such incidents confidentially and that the

information will be acted upon appropriately. All volunteers and staff are to be trained on this process.

Reporting Requirements

Section 2 of the legislation requires three additional reports to the Senate Committee on Foreign Relations, the Senate Committee on Appropriations, the House Committee on Foreign Affairs, and the House Committee on Appropriations. The first of the three additional reports is to be submitted annually by the President and it is to summarize information regarding the sexual assault of volunteers, other crimes against volunteers, and the annual rate of early termination of volunteers, including any related demographic data. The second of the three additional reports is to be completed by the Comptroller General of the United States no later than 1 year after the date of enactment and it is to evaluate the quality and accessibility of health care provided through the Department of Labor to volunteers upon their separation from the Peace Corps. Finally, the legislation directs a determination of the level of access to communications, including cellular and Internet access, of each volunteer in every Peace Corps post. As access to adequate communication can be a critical tool in remote posts, the legislation requires a report no later than 6 months after the date of enactment, detailing the costs of providing all volunteers access to adequate communication, including cellular service and Internet access.

SECTION 3

Section 3 amends the Peace Corps Act to allow the Peace Corps to hire counsel and pay legal expenses for either volunteers that are victims of a crime, or for those volunteers that may be otherwise participating in the prosecution of crimes committed against volunteers.

SECTION 4

Section 4 states the sense of Congress that the Office of Victims Advocacy established under this legislation should maintain a sufficient staffing level to ensure that any volunteer that is the victim of crime or sexual assault can attain the timely and comprehensive services necessary. It is the belief of the committee that the caseload may require more than one victim's advocate and that the Peace Corps should explore ways to best support its volunteers in such cases.

SECTION 5

Section 5 amends the Peace Corps Act to allow the Peace Corps to more effectively manage its personal service contractors (PSCs), giving the Agency the flexibility to assign PSCs to certain inherently governmental functions, including the handling of money and the supervision of other PSCs. This language aims to align the Peace Corps' authority for PSCs with the authorities of the Department of State and the Agency for International Development.

SECTION 6

Section 6 amends Sections 7(a) of the Peace Corps Act to exempt the Inspector General of the Peace Corps and the officers and em-

employees of the Office of the Inspector General of the Peace Corps from the 5-year term limit. The committee feels that it is important for the Office of the Inspector General to maintain its independence and objectivity, particularly while conducting audits, evaluations, or investigations. To ensure that this independence exists, terms, reappointments, or reassignments of individuals in the Office of the Inspector General should be managed separately from the standard Peace Corps procedures.

SECTION 7

Section 7(a) amends the Peace Corps Act to include in its mandatory trainings the comprehensive sexual assault risk-reduction and response training that is mandated and described under section 8A of this legislation. Section 7(b) further amends the Peace Corps Act to include the services under section 8B in the health care provided to volunteers if necessary. Because the Peace Corps Act allows for health services and examinations for returned Peace Corps Volunteers for only up to 6 months after their return, section 7(b)(2) removes the 6-month limitation for the services established in this legislation.

IV. COST ESTIMATE

In accordance with Rule XXVI, paragraph 11(1) of the Standing Rules of the Senate, the committee provides this estimate of the costs of this legislation prepared by the Congressional Budget Office.

UNITED STATES CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 2011.

Hon. JOHN F. KERRY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1280, the Kate Puzey Peace Corps Volunteer Protection Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*S. 1280: Kate Puzey Peace Corps Volunteer Protection Act of 2011—
as ordered reported by the Senate Committee on Foreign Relations on July 26, 2011*

S. 1280 would impose several new requirements on the Peace Corps, including:

- Training volunteers on how to reduce the risk of sexual assault and what they should do in the event of an assault,
- Developing and implementing a comprehensive sexual assault policy,
- Establishing an Office of Victims Advocacy,

- Designating sexual assault liaisons for each country and training them to respond appropriately to reports of sexual assault, and
- Establishing a Sexual Assault Advisory Council.

The Peace Corps has indicated that it already complies or is in the process of complying with most of the requirements under the bill. Based on information from the agency, CBO estimates that implementing the remaining requirements would cost \$1 million a year and total \$5 million over the 2012–2016 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The Peace Corps already has a Victims Advocate, but establishing an office staffed to provide timely and comprehensive services to volunteers would require additional staff. Based on information from the Peace Corp, CBO estimates that the agency would hire two additional people at an annual cost of less than \$500,000. To comply with the requirement for trained sexual assault liaisons at each of the agency's 76 posts, the Peace Corps plans to designate existing staff as liaisons. Based on information from the agency, CBO estimates that initial and refresher training for those liaisons would cost less than \$500,000 each year.

Finally, the bill would require the Peace Corps, the Peace Corps Inspector General, and the Government Accountability Office to provide several reports to the Congress. CBO estimates that the cost of implementing those requirements would be less than \$500,000 each year over the 2012–2016 period, assuming the availability of appropriated funds.

S. 1280 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sunita D'Monte. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has determined that, with the exception of certain changes to Peace Corps regulations concerning confidentiality of Peace Corps records, there is no regulatory impact as a result of this legislation.

VI. CHANGES IN EXISTING LAW

In compliance with Rule XXVI, paragraph 12 of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman).

The Peace Corps Act (22 U.S.C. 2501)

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

* * * * *

Chapter 34—The Peace Corps

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SEC. 5. PEACE CORPS VOLUNTEERS.—(a) PERSONS ELIGIBLE; TERMS AND CONDITIONS OF SERVICE; FEDERAL EMPLOYEE STATUS; RACIAL, SEX, RELIGIOUS, OR COLOR DISCRIMINATION.—The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this chapter as “volunteers”). The terms and conditions of the enrollment, training (*including training under section 8A*), compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this chapter and those consistent therewith which the President may prescribe; and, except as provided in this chapter, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection, there shall be no discrimination against any person on account of race, sex, creed, or color.

* * * * *

(e) HEALTH CARE.—Volunteers shall receive such health care (*including, if necessary, for volunteers and trainees, services under section 8B*) during their service, applicants for enrollment shall receive such health examinations preparatory to their service, applicants for enrollment who have accepted an invitation to begin a period of training under section 2507(a) of this title shall receive such immunization and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service, as the President may deem necessary or appropriate. Subject to such conditions *including services provided in accordance with section 8B (except that the six-month limitation shall not apply in the case of such services)* as the President may prescribe, such health care may be provided in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this chapter. Health care may not be provided under this subsection in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 [42 U.S.C. 14401 *et seq.*].

* * * * *

(1) Notwithstanding any other provision of law, counsel may be employed and counsel fees, court costs, bail, and other expenses incident to the defense of volunteers may be paid in foreign judicial or administrative proceedings to which volunteers have been made parties *and counsel may be employed and counsel fees, court costs and other expenses may be paid in the support of volunteers who are parties, complaining witnesses, or otherwise participating in the prosecution of crimes committed against such volunteers.*

* * * * *

SEC. 7. PEACE CORPS EMPLOYEES.—(a)(1) For the purpose of performing functions under this Act outside the United States, the President may employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates established under section 402 or 403 of the Foreign Service Act of 1980, together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act for persons appointed to the Foreign Service Reserve.

* * * * *

(7) *The limitations specified in subparagraphs (A) and (B) of paragraph (2) and in paragraph (5) shall not apply to—*
(A) the Inspector General of the Peace Corps; and
(B) officers and employees of the Office of the Inspector General of the Peace Corps.

* * * * *

SEC. 8. TRAINING PROGRAM.—(a) APPLICANTS FOR ENROLLMENT AND ENROLLED VOLUNTEERS.—The President shall make provision for such training, *including training under section 8A*, as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this chapter applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms “volunteers” and “volunteer leaders” shall include such applicants during any such period of training.

* * * * *

SEC. 8A. SEXUAL ASSAULT RISK-REDUCTION AND RESPONSE TRAINING.—(a) *IN GENERAL.*—As part of the training provided to all volunteers under section 8(a), the President shall develop and implement comprehensive sexual assault risk-reduction and response training that is based upon best practices in the sexual assault field to respond to reports of sexual assault.

(b) *DEVELOPMENT AND CONSULTATION WITH EXPERTS.*—In developing the sexual assault risk-reduction and response training under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

(c) *CONTENT OF TRAINING.*—Training under subsection (a) shall be tailored to the country of service, and shall include cultural training relating to gender relations, risk-reduction strategies, a safety plan in the event of an assault, treatment available in such country (including forensic rape exams, post-exposure prophylaxis (PEP) for HIV exposure, screening for sexually transmitted diseases, and pregnancy testing), and MedEvac procedures.

(d) *INFORMATION REGARDING CRIMES AND RISKS.*—Each applicant for enrollment as a volunteer shall be provided with information regarding crimes against and risks to volunteers in the country in which the applicant has been invited to serve.

(e) *CONTACT INFORMATION.*—The President shall provide each applicant, before the applicant enrolls as a volunteer, with—

(1) the contact information of the Inspector General of the Peace Corps for purposes of reporting sexual assault mismanagement or any other mismanagement, misconduct, wrongdoing, or violations of law or policy whenever it involves a Peace Corps employee, trainee, volunteer, consultant, contractor, or outside party that receives funds from the Peace Corps; and

(2) clear, written guidelines regarding whom to contact, including the direct telephone number for the designated SAVSL and the Office of Victims Advocacy and what steps to take in the event of a sexual assault or other crime.

(f) *DEFINITIONS.*—In this section and sections 8B through 8G:

(1) *SEXUAL ASSAULT.*—The term “sexual assault” means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

(2) *INCLUSION OF TRAINEES.*—The term “volunteers” includes trainees.

SEC. 8B. SEXUAL ASSAULT POLICY.—(a) *IN GENERAL.*—The President shall develop and implement a comprehensive sexual assault policy that—

(1) includes a system for restricted and unrestricted reporting of sexual assault;

(2) protects the confidentiality of a volunteer who is a victim of sexual assault until such time that he or she elects to pursue unrestricted reporting of the assault;

(3) mandates, for each Peace Corps country program, the designation of a Sexual Assault Victim Support Liaison (SAVSL), who shall receive comprehensive training on procedures to respond to reports of sexual assault, with duties including ensuring that volunteers who are victims of sexual assault are moved to a safe environment and receive prompt access to medical care;

(4) requires SAVSLs to immediately contact the Office of Victims Advocacy upon receiving a report of sexual assault;

(5) is based upon best practices in the sexual assault field; and

(6) is applicable to all posts at which volunteers serve.

(b) *DEVELOPMENT AND CONSULTATION WITH EXPERTS.*—In developing the sexual assault policy under subsection (a), the President shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.

(c) *ELEMENTS.*—The sexual assault policy developed under subsection (a) shall include, at a minimum, the following with respect to a volunteer who has been a victim of sexual assault:

(1) The option of pursuing either restricted or unrestricted reporting of an assault.

(2) Provision of a SAVSL and victim’s advocate to the volunteer.

(3) Provision of a sexual assault forensic evidence examination to the volunteer in accordance with applicable law.

- (4) *Provision of emergency health care to the volunteer.*
- (5) *Completion of a safety and treatment plan with the volunteer.*
- (6) *Evacuation of the volunteer for medical treatment, accompanied by a Peace Corps staffer at the request of such volunteer.*
- (7) *An explanation to the volunteer of available law enforcement and prosecutorial options, and legal representation.*
- (d) **TRAINING.**—*The President shall train all incountry staff regarding the sexual assault policy developed under subsection (a).*
- (e) **REMOVAL AND ASSESSMENT AND EVALUATION.**—
 - (1) **IN GENERAL.**—*If a volunteer feels at risk of imminent bodily harm and requests removal from the site in which such volunteer is serving, the President shall, as expeditiously as practical after receiving such request, remove the volunteer from the site. If the President receives such a request, the President shall assess and evaluate the safety of such site and may not assign another volunteer to the site until such time as the assessment and evaluation is complete and the site has been determined to be safe.*
 - (2) **DETERMINATION OF SITE AS UNSAFE.**—*Volunteers may remain at a site during an assessment and evaluation under paragraph (1). If the President determines that a site is unsafe, the President shall, as expeditiously as practical, remove all volunteers from the site.*
- (f) **TRACKING AND RECORDING.**—*The President shall establish a global tracking and recording system to track and record incidents of crimes against volunteers.*
- (g) **STALKING.**—
 - (1) **IN GENERAL.**—*The policies and procedures established by this section shall also apply in instances when a volunteer reports stalking.*
 - (2) **STALKING.**—*In this subsection, the term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—*
 - (A) *fear for his or her safety or the safety of others; or*
 - (B) *suffer substantial emotional distress.*

SEC. 8C. OFFICE OF VICTIMS ADVOCACY.—(a) **ESTABLISHMENT OF OFFICE OF VICTIMS ADVOCACY.**—

- (1) **IN GENERAL.**—*The President shall establish an Office of Victims Advocacy in Peace Corps headquarters headed by a full-time victims advocate who shall report directly to the Director. The Office of Victims Advocacy may deploy personnel abroad when necessary to help assist victims.*
- (2) **PROHIBITION.**—*Peace Corps Medical Officers, Safety and Security Officers, and program staff may not serve as victims advocates. The victims advocate referred to in paragraph (1) may not have any other duties in the Peace Corps.*
- (3) **EXEMPTION.**—*The victims advocate and any additional victims advocates shall be exempt from the five year rule on appointments and assignments under section 7(a)(5).*
- (b) **RESPONSIBILITIES.**—*The Office of Victims Advocacy shall help develop and update the sexual assault riskreduction and response training described in section 8A and the sexual assault policy described in section 8B and ensure that volunteers who are victims of crime receive services described in the sexual assault policy. The Of-*

Office of Victims Advocacy shall assist volunteers who are victims of crime by making such victims aware of the services available to them and facilitating their access to such services.

(c) *STATUS UPDATES.*—The Office of Victims Advocacy shall provide to volunteers who are victims of assault regular updates on the status of their cases if such volunteers have opted to pursue prosecution.

(d) *TRANSITION.*—The Office of Victims Advocacy shall assist volunteers who are victims of crime and whose service has terminated in receiving any benefits to which they are entitled under section 8142 of title 5, United States Code.

SEC. 8D. ESTABLISHMENT OF SEXUAL ASSAULT ADVISORY COUNCIL.—(a) *ESTABLISHMENT.*—There is established a Sexual Assault Advisory Council (in this section referred to as the “Council”).

(b) *MEMBERSHIP.*—The Council shall be composed of not less than 8 individuals selected by the President who are returned volunteers (including volunteers who were victims of sexual assault and volunteers who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field. No Peace Corps employee shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

(c) *FUNCTIONS; MEETINGS.*—The Council shall meet not less often than annually to review the sexual assault risk-reduction and response training developed under section 8A, the sexual assault policy developed under section 8B, and such other matters related to sexual assault the Council views as appropriate, to ensure that such training and policy is based upon best practices in the sexual assault field.

(d) *REPORTS.*—Not later than one year after the date of the enactment of this section, annually thereafter for four years, and every three years thereafter, the Council shall submit to the President and the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on its findings based on the reviews conducted pursuant to subsection (c).

(e) *FEDERAL EMPLOYEES.*—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance.

(f) *NONAPPLICABILITY OF FACA.*—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

SEC. 8E. VOLUNTEER FEEDBACK AND PEACE CORPS REVIEW.—(a) *MONITORING AND EVALUATION.*—The President shall establish performance plans with performance elements and standards for Peace Corps representatives and shall review the performance of Peace Corps representatives not less than annually to determine whether they have met these performance elements and standards. Nothing in this subsection shall be construed as limiting the discretion of the President to remove a Peace Corps representative.

(b) *ANNUAL VOLUNTEER SURVEYS.*—The President shall annually conduct a confidential survey of volunteers regarding the effectiveness of Peace Corps programs and staff and the safety of volunteers. The results shall be provided in aggregate form without identifying

information to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(c) *PEACE CORPS INSPECTOR GENERAL.*—The Inspector General of the Peace Corps shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives the following:

(1) A biennial report on reports received from volunteers relating to misconduct, mismanagement, or policy violations of Peace Corps staff, any breaches of the confidentiality of volunteers, and any actions taken to assure the safety of volunteers who provide such reports.

(2) A report, not later than two years after the date of the enactment of this section and every three years thereafter, evaluating the effectiveness and implementation of the sexual assault risk-reduction and response training developed under section 8A and the sexual assault policy developed under section 8B. The evaluation shall include a case review of a statistically significant number of cases.

(3) A report, not later than two years after the date of the enactment of this section, describing how Peace Corps representatives are hired, how Peace Corps representatives are terminated, and how Peace Corps representatives hire staff, including an assessment of the implementation of subsection (a).

SEC. 8F. NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—The President shall establish and maintain a process to allow volunteers to report incidents of misconduct or mismanagement, or violations of any policy, of the Peace Corps in order to protect the confidentiality and safety of such volunteers and of the information reported, and to ensure that such information is acted on appropriately. The President shall train all volunteers and staff about this process.

SEC. 8G. REPORTING REQUIREMENTS.—(a) *IN GENERAL.*—The President shall annually submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report summarizing information on—

(1) sexual assault of volunteers;

(2) other crimes against volunteers; and

(3) the annual rate of early termination of volunteers, including demographic data associated with such early termination.

(b) *GAO.*—Not later than one year after the date of the enactment of this section, the Comptroller General of the United States shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report evaluating the quality and accessibility of health care provided through the Department of Labor to returned volunteers upon their separation from the Peace Corps.

(c) *ACCESS TO COMMUNICATIONS.*—

(1) *IN GENERAL.*—The President shall determine the level of access to communication, including cellular and Internet access, of each volunteer.

(2) *REPORT.*—Not later than six months after the date of the enactment of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on the costs of providing all volunteers with access to adequate communication, including cellular service and Internet access.

* * * * *

SEC. 10. GENERAL POWERS AND AUTHORITIES.— (a) In the furtherance of the purposes of this Act, the President may—

* * * * *

(5) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: Provided, That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for **any purpose** *the purposes of any law administered by the Office of Personnel Management.*

